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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

FABIO PETROLINO; M.P., a minor,
through her guardian ad litem, Ana
Petrolino; ANDRELINA SILVA;
ANGELA PETROLINO; and ALEX
PETROLINO,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation;
EVE ZEFF, ROEL LAPITAN and
RAPHROGER GONZAGA, Registered
Nurses, San Francisco Department of
Public Health; MICHAEL MOHN and
RUDY ZAMORA, Sheriff's Deputies, San
Francisco Sheriff's Department;
HEALTHRIGHT360, a California not-for-
profit corporation; LAUREN ERICKSON,
Mental Health Provider, HealthRight360;
MARY LEFEVRE, Marriage and Family
Therapist, HealthRight360; NICK
CRISPINO, Associate Social Worker,
HealthRight360; DANIEL MITCHELL,
Officer, California Highway Patrol; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 16-cv-2946-RS

**JOINT STIPULATION TO EXTEND
TIME TO FILE RESPONSE AND
REPLY BRIEFS AND TO CONTINUE
HEARING ON DEFENDANT DANIEL
MITCHELL'S MOTION TO DISMISS;
AND ~~[PROPOSED]~~ ORDER**

Judge: Hon. Richard Seeborg

Pursuant to Civil Local Rules 6-1(b), 6-2 and 7-12, Plaintiffs FABIO PETROLINO; M.P., a minor, through her guardian ad litem, Ana Petrolino; ANDRELINA SILVA; ANGELA PETROLINO; and ALEX PETROLINO (collectively, “Plaintiffs”) and Defendant DANIEL MITCHELL (“Defendant Mitchell”) hereby jointly stipulate and agree to extend the time to file a response to Defendant Mitchell’s Motion to Dismiss (Dkt. 30) from September 7, 2016 to September 22, 2016; to extend the time to file a reply in support of the Motion to Dismiss from September 14, 2016 to October 6, 2016; and to continue the hearing on the Motion to Dismiss from September 29, 2016 to October 27, 2016 at 1:30 pm in Courtroom 3, 17th Floor, San Francisco Courthouse.

Plaintiffs and Defendant Mitchell also jointly stipulate and agree that Plaintiffs will not seek any discovery from Defendant Mitchell until after the Court enters an Order resolving Defendant Mitchell’s Motion to Dismiss, except that Defendant Mitchell shall serve initial disclosures pursuant to Fed. R. Civ. Proc. 26(a)(1) and produce disclosable documents already collected by Defendant Mitchell’s counsel on September 9, 2016, as previously agreed by the parties at the Fed. R. Civ. Proc. 26(f) conference.

The parties stipulate to and jointly request this extension to allow for sufficient time for Plaintiffs to adequately brief their response to the Motion to Dismiss, and to provide Defendant Mitchell additional time to prepare a reply to Plaintiffs’ response. This is the first request for an extension of time related to this motion, and Plaintiffs’ and Defendant Mitchell’s first request for an extension in the matter as a whole.

The proposed time modification would impact the case deadlines as follows:

Deadline	Current Date	Requested Date
Response to Motion to Dismiss	September 7, 2016	September 22, 2016
Reply in Support of Motion to Dismiss	September 14, 2016	October 6, 2016
Hearing on Motion to Dismiss	September 29, 2016	October 27, 2016

1 The extension of time will not affect any other deadlines set by the Court.

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3 DATED: September 1, 2016

Respectfully submitted,

4 ROSEN BIEN GALVAN & GRUNFELD LLP

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6 By: /s/ Benjamin Bien-Kahn

7 Benjamin Bien-Kahn

8 Attorneys for Plaintiffs

9
10 DATED: September 1, 2016

Respectfully submitted,

11 KAMALA D. HARRIS

Attorney General of California

12 JOHN P. DEVINE

13 Supervising Deputy Attorney General

14
15 By: /s/ Micah C.E. Osgood

16 Micah C. E. Osgood

Deputy Attorney General

17 Attorneys for Defendant Officer D. Mitchell

18
19 **ECF Attestation**

20 I, Benjamin Bien-Kahn, attest that concurrence in the e-filing of this document has
21 been received on behalf of the above signatories, in compliance with Civil L.R. 5-1(i)(3).

22
23 DATED: September 1, 2016

24
25 By: /s/ Benjamin Bien-Kahn

26 Benjamin Bien-Kahn

~~PROPOSED~~ ORDER

PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT
IS SO ORDERED THAT:

1. The deadline to file a response to Defendant Mitchell's Motion to Dismiss is extended from September 7, 2016 to **September 22, 2016**;
2. The deadline to file a reply in support of Defendant Mitchell's Motion to Dismiss is extended from September 14, 2016, to **October 6, 2016**;
3. The hearing on Defendant Mitchell's Motion to Dismiss is continued from September 29, 2016 to **October 27, 2016**, at 1:30 pm in Courtroom 3, 17th Floor, San Francisco Courthouse;
4. Plaintiffs will not seek any discovery from Defendant Mitchell until after the Court enters an Order resolving Defendant Mitchell's Motion to Dismiss; and
5. Defendant Mitchell will serve initial disclosures pursuant to Fed. R. Civ. Proc. 26(a)(1) and produce disclosable documents already collected by Defendant Mitchell's counsel on September 9, 2016, as previously agreed by the parties at the Fed. R. Civ. Proc. 26(f) conference.

DATED: 9/1, 2016



The Honorable Richard Seeborg
United States District Court Judge